

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-CV-00272-FDW-DSC & 3:13-CV-00209-FDW-DSC**

ROBIN CARON,

Plaintiff,

vs.

**MICROSOFT CORPORATION;
MICROSOFT CORPORATION, KAYLAN
BASU & MATTHEW JUSTICE,**

Defendants.

ORDER

THIS MATTER is before the Court upon Plaintiff Robin Caron’s Motion to Remand, (Doc. No. 10), Defendants Microsoft Corporation, Kaylan Basu, and Matthew Justice’s (collectively “Defendants”) Motion to Dismiss for Failure to State a Claim (Doc. No 7), and Defendants’ Motion to Consolidate. (Doc. No. 15).

In the Motion to Remand, Plaintiff argues that this Court does not have either federal question or diversity jurisdiction to hear this case. Upon review by the Court, the Court finds that Plaintiff has raised an issue of federal law in the Complaint. Accordingly, the Court does not need to address the issue of diversity jurisdiction, and Plaintiff’s Motion to Remand, (Doc. No. 10) is hereby DENIED. With respect to Defendants’ Motions, upon review by the Court Defendants’ Motion to Dismiss for Failure to State a Claim, (Doc. No. 7) is hereby DENIED WITHOUT PREJUDICE. The issues raised in this Motion may be raised again at summary judgment. However, Defendants’ Motion to Consolidate, (Doc. No. 15) seeking to merge this case with Caron v. Microsoft Corp., (Case No. 3:13-cv-209-FDW-DSC) is hereby GRANTED. All further filings in this matter are to be made in Caron v. Microsoft Corp., (Case No.

3:13-cv-209-FDW-DSC). The Clerk's Office is respectfully directed to CONSOLIDATE the two cases, and to CLOSE CASE NO. 3:13-CV-272-FDW-DSC.

IT IS SO ORDERED.

Signed: July 2, 2013

A handwritten signature in cursive script, reading "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

